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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-00420-EGS**

MCKINLEY v. FEDERAL DEPOSIT INSURANCE
CORPORATION

Assigned to: Judge Emmet G. Sullivan

Cause: 05:552 Freedom of Information Act

Date Filed: 03/15/2010

Date Terminated: 08/09/2011

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: Federal Question

Plaintiff

VERN MCKINLEY

represented by **Michael Bekesha**

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Defendant

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Date Filed	#	Docket Text
03/15/2010	<u>1</u>	COMPLAINT against FEDERAL DEPOSIT INSURANCE CORPORATION (Filing fee \$ 350, receipt number 4616028239) filed by VERN MCKINLEY. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 03/15/2010)
03/15/2010		SUMMONS (3) Issued as to FEDERAL DEPOSIT INSURANCE CORPORATION, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 03/15/2010)

03/26/2010	2	SUMMONS Returned Executed by VERN MCKINLEY, U.S. ATTORNEY'S OFFICE, FEDERAL DEPOSIT INSURANCE CORPORATION & US ATTORNEY GENERAL, served on 3/22/2010, answer due 4/21/2010. (Attachments: # 1 Declaration of Cristina Rotaru)(Orfanedes, Paul) Modified on 3/29/2010 to add party(s) served (jf,). (Entered: 03/26/2010)
04/08/2010	3	NOTICE of Appearance by Alexander Daniel Shoaibi on behalf of FEDERAL DEPOSIT INSURANCE CORPORATION (Shoaibi, Alexander) (Entered: 04/08/2010)
04/16/2010	4	NOTICE of Appearance by Daniel Harold Kurtenbach on behalf of FEDERAL DEPOSIT INSURANCE CORPORATION (Kurtenbach, Daniel) (Entered: 04/16/2010)
04/21/2010	5	MOTION to Dismiss by FEDERAL DEPOSIT INSURANCE CORPORATION (Attachments: # 1 Memorandum in Support, # 2 Exhibit A Part 1, # 3 Exhibit A Part 2, # 4 Exhibit B Part 1, # 5 Exhibit B Part 2, # 6 Exhibit C Part 1, # 7 Exhibit C Part 2)(Kurtenbach, Daniel) (Entered: 04/21/2010)
04/21/2010	6	NOTICE of Appearance by Barbara Katron on behalf of FEDERAL DEPOSIT INSURANCE CORPORATION (Katron, Barbara) (Entered: 04/21/2010)
05/03/2010	7	Memorandum in opposition to re 5 MOTION to Dismiss filed by VERN MCKINLEY. (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Orfanedes, Paul) (Entered: 05/03/2010)
05/03/2010	8	Cross MOTION for Summary Judgment by VERN MCKINLEY (Attachments: # 1 Text of Proposed Order)(Orfanedes, Paul) (Entered: 05/03/2010)
05/06/2010	9	REPLY to opposition to motion re 5 MOTION to Dismiss <i>as Moot</i> filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Kurtenbach, Daniel) (Entered: 05/06/2010)
05/17/2010	10	Memorandum in opposition to re 8 Cross MOTION for Summary Judgment filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Attachments: # 1 Statement of Facts, # 2 Declaration of Gary Jackson, # 3 Exhibit FDIC's Vaughn Index) (Kurtenbach, Daniel) (Entered: 05/17/2010)
05/25/2010	11	Consent MOTION for Extension of Time to File Response/Reply as to 8 Cross MOTION for Summary Judgment by VERN MCKINLEY (Attachments: # 1 Text of Proposed Order)(Orfanedes, Paul) (Entered: 05/25/2010)

05/26/2010		MINUTE ORDER granting 11 consent motion for extension of time. Plaintiff shall file his reply in support of 8 plaintiff's cross-motion for summary judgment by no later than June 4, 2010. Signed by Judge Emmet G. Sullivan on May 26, 2010. (lcegs4) (Entered: 05/26/2010)
05/27/2010		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 6/4/2010. (clv,) (Entered: 05/27/2010)
06/03/2010	1 2	NOTICE of Change of Address by Paul J. Orfanedes (Orfanedes, Paul) (Entered: 06/03/2010)
06/04/2010	1 3	Unopposed MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michael Bekesha, :Firm- Judicial Watch, Inc., :Address- 425 Third Street, S.W., Suite 800. Phone No. - 202-646-5172. Fax No. - 202-646-5199 by VERN MCKINLEY (Attachments: # 1 Declaration of Michael Bekesha, # 2 Text of Proposed Order) (Orfanedes, Paul) (Entered: 06/04/2010)
06/04/2010	1 4	REPLY to opposition to motion re 8 Cross MOTION for Summary Judgment filed by VERN MCKINLEY. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Bekesha, Michael) (Entered: 06/04/2010)
06/07/2010		MINUTE ORDER denying without prejudice 13 motion for leave to appear pro hac vice due to failure to comply with Local Civil Rule 83.2(d)(5). Signed by Judge Emmet G. Sullivan on June 7, 2010. (lcegs4) (Entered: 06/07/2010)
06/07/2010	1 5	Unopposed MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michael Bekesha, :Firm- Judicial Watch, Inc., :Address- 425 Third Street, S.E., Suite 800, Washington DC 20024. Phone No. - 202-646-5172. Fax No. - 202-646-5199 by VERN MCKINLEY (Attachments: # 1 Declaration of Michael Bekesha, # 2 Text of Proposed Order)(Orfanedes, Paul) (Entered: 06/07/2010)
06/07/2010		MINUTE ORDER granting 15 Motion for Leave to Appear Pro Hac Vice. Michael Bekesha is granted leave to appear pro hac vice in the above-captioned case. Signed by Judge Emmet G. Sullivan on June 7, 2010. (lcegs4) (Entered: 06/07/2010)
12/23/2010	1 6	ORDER denying 5 Motion to Dismiss; granting in part and denying in part 8 Motion for Summary Judgment. In accordance with this order and accompanying memorandum opinion, the parties shall file a joint recommendation for further proceedings within 30 days of the date of this Order. Signed by Judge Emmet G. Sullivan on December 23, 2010. (lcegs4) (Entered: 12/23/2010)
12/23/2010	1 7	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on December 23, 2010. (lcegs4) (Entered: 12/23/2010)

01/20/2011	<u>1</u> <u>8</u>	STATUS REPORT <i>Joint Status Report</i> by FEDERAL DEPOSIT INSURANCE CORPORATION, VERN MCKINLEY. (Kurtenbach, Daniel) Modified to add party on 1/21/2011 (znmw,). (Entered: 01/20/2011)
01/20/2011		MINUTE ORDER. In light of the parties' representations in <u>18</u> joint status report that they need additional time to discuss procedures for working out their remaining issues, whether by settlement or by additional submissions to this court, it is hereby ORDERED that the parties continue to confer on these issues, and that they file a joint recommendation for further proceedings by no later than February 22, 2011. Signed by Judge Emmet G. Sullivan on January 20, 2011. (lcegs4) (Entered: 01/20/2011)
01/20/2011		Set/Reset Deadlines: Joint recommendation for further proceedings due by 2/22/2011 (clv,) (Entered: 01/20/2011)
02/22/2011	<u>1</u> <u>9</u>	STATUS REPORT <i>Second Joint Status Report</i> by FEDERAL DEPOSIT INSURANCE CORPORATION. (Kurtenbach, Daniel) (Entered: 02/22/2011)
02/23/2011		MINUTE ORDER. In <u>19</u> the parties' joint status report, the parties represent that they have resolved all issues regarding redactions in the FDIC's production of documents to plaintiff. The only issue remaining before the Court is whether the FDIC satisfied its obligation to conduct a reasonable search for responsive materials. It is hereby ORDERED that the FDIC file its motion for summary judgment on this remaining issue only, by no later than March 18, 2011. Plaintiff shall file his opposition and cross motion by April 13, 2011. The FDIC shall file its opposition and reply by no later than May 9, 2011. Plaintiff shall file his reply by no later than May 20, 2011. SO ORDERED. Signed by Judge Emmet G. Sullivan on February 23, 2011. (lcegs4) (Entered: 02/23/2011)
02/23/2011		Set/Reset Deadlines: Defendant's summary judgment motion due by 3/18/11; plaintiff response and cross motions due by 4/13/2011; defendant reply and response to Cross Motions due by 5/9/2011. Plaintiff's reply to Cross Motions due by 5/20/2011. (clv,) (Entered: 02/23/2011)
03/18/2011	<u>2</u> <u>0</u>	MOTION for Summary Judgment by FEDERAL DEPOSIT INSURANCE CORPORATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Fredrick L. Fisch, # <u>3</u> Exhibit 1-6 of Fisch Declaration, # <u>4</u> Declaration of Catherine L. Hammond)(Kurtenbach, Daniel) (Entered: 03/18/2011)
04/13/2011	<u>2</u> <u>1</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment filed by VERN MCKINLEY. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 04/13/2011)
04/13/2011	<u>2</u> <u>2</u>	Cross MOTION for Summary Judgment by VERN MCKINLEY (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 04/13/2011)

04/14/2011	2 3	ERRATA by VERN MCKINLEY 22 Cross MOTION for Summary Judgment filed by VERN MCKINLEY, 21 Memorandum in Opposition filed by VERN MCKINLEY. (Bekesha, Michael) (Entered: 04/14/2011)
05/09/2011	2 4	REPLY to opposition to motion re 20 MOTION for Summary Judgment filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Kurtenbach, Daniel) (Entered: 05/09/2011)
05/09/2011	2 5	Memorandum in opposition to re 22 Cross MOTION for Summary Judgment filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Attachments: # 1 Statement of Facts Supplemental)(Kurtenbach, Daniel) (Entered: 05/09/2011)
05/20/2011	2 6	REPLY to opposition to motion re 22 Cross MOTION for Summary Judgment filed by VERN MCKINLEY. (Bekesha, Michael) (Entered: 05/20/2011)
08/08/2011	2 7	ORDER granting 20 defendant's motion for summary judgment and denying 22 plaintiff's cross motion for summary judgment. This is a final appealable order. Signed by Judge Emmet G. Sullivan on August 8, 2011. (lcegs4) (Entered: 08/08/2011)
08/08/2011	2 8	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on August 8, 2011. (lcegs4) (Entered: 08/08/2011)

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